

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Barry Lee Benson,)	
)	
Petitioner,)	ORDER
)	
vs.)	
)	
Colby Braun, Warden,)	Case No. 1:17-cv-244
)	
Respondent.)	

On March 28, 2018, the court issued an order (1) granting respondent's Motion to Dismiss, and (2) and dismissing petitioner's habeas petition. (Doc. No. 20). On September 20, 2018, petitioner filed what the court construes as a motion for reconsideration. (Doc. No. 31). Therein petitioner does not so much take issue with the court's conclusion that his habeas petition was time-barred. Rather, he appears to take issue with the fact that the court was only able to discern and list five grounds for relief (as opposed to seven) when summarizing the contents of his petition in its order.

The court finds no basis for reconsidering its previous order. The petition is untimely regardless of how many grounds petitioner believes it contains. And, for reasons previously articulated, equitable tolling is inapplicable in this case. (Doc. No. 24). Petitioner's motion for reconsideration (Doc. No. 31) is **DENIED**.

IT IS SO ORDERED.

Dated this 21st day of November, 2018.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court